



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
September 17, 2008  
APPROVED**

**MEMBERS PRESENT**

Joanne Rogers, Chair  
John Papacosma, Vice Chair  
Robin Brooks, Secretary  
Dorothy Carrier  
Roberta Floccher, Associate  
Debora Levensailor, Associate

**MEMBERS ABSENT**

**STAFF PRESENT**

Carol Tukey, Town Planner  
Melissa Swanson, Recording Secretary

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The Town of Harpswell Planning Board meeting, being duly advertised in the Brunswick *Times Record*, was called to order at 6:34 PM by Joanne Rogers, Chair. Introductions were made of Board members, and the Pledge of Allegiance was recited by all present.

The Chair read the Agenda and explained the hearing process and procedures for Planning Board meetings.

**CONSIDERATION OF MINUTES**

The Chair asked for comments from the Board regarding the Minutes of August 20, 2008. There was a motion to approve the Minutes as printed. After answering Mr. Papacosma's question on page three in the introductory paragraph of Applicant 08-08-02, the Board voted to approve the Minutes as printed, with Ms. Carrier abstaining.

**SITE VISIT**

The site visit was held on Monday, September 15, 2008. The Chair stated that she attended the site visit along with Board members Mr. Papacosma and Ms. Levensailor, and the Town Planner, Ms. Tukey.

**OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

**08-09-01      Darcy J. Lenzgrinden Dye (Applicant/Owner), Subdivision Review Amendment,  
Tax Map 48 Lot 18, Harpswell Islands Road, Harpswell**

Ms. Dye introduced herself, and stated she was an out of State property owner. She reminded the Board that, for the past two years, she had been trying to resolve a trespass issue regarding her property. The matter had been resolved, and she was before the Planning Board to ask for final approval of a subdivision amendment. Her attorney, Jonathan Harris from Lambert Coffin was also present.

At that point, the Chair appointed Roberta Floccher a full voting member for the meeting in order to have a full quorum.

The Chair asked for any questions from the Board; there were none, and there was no public comment.

The Chair referred the Board to the memorandum prepared by the Town Planner that stated the issue was an amendment to an existing subdivision, and to the comment from the Code Enforcement Officer that stated that the proposed lot line amendment conformed to the standards in the Ordinance.

The Chair asked if the Board wished to go through the Findings of Fact, and Ms. Carrier did not think it necessary due, in part, to the Board's familiarity with the situation. The rest of the Board concurred.

The Chair moved to approve the Ronald E. Barber subdivision amendment, including the standard conditions of approval; the motion was seconded.

Ms. Carrier noted that the correct location of the property is Harpswell Islands Road, not Harpswell Neck Road, as was listed on the Agenda.

The motion was voted on, and passed unanimously.

Ms. Dye addressed the Board, requesting that the Board sign the final plan.

The Chair asked the Board if they would be willing to take a break in order to have the Town Planner check the plans, and for the Board to sign them. They agreed to do so, and a recess took place at 6:42 PM.

The meeting resumed at 6:52 PM.

**08-09-02      Holbrook Community Foundation (Applicant/Owner), Joseph D. LeBlanc (Agent), Site Plan Review, Tax Map 64 Lot 42, 984 Cundy's Harbor Road, Harpswell**

Joe LeBlanc (Agent) addressed the Board, stating that his agency had been handling the permits for the Holbrook Community Foundation. He was before the Board for approval of removal and reconstruction of the commercial wharf and associated commercial outbuildings, including a modification to the restaurant building. Mr. LeBlanc referred the Board to their packet materials, and thoroughly explained the proposed changes to the wharf and buildings - specifically, Exhibits 2, 2A and 2B of the packet materials, which illustrated the existing site and also the proposed changes. (These materials are on file in the Planning Office and the Code Enforcement Office.)

The Board had questions regarding the decrease in size of the restaurant; Mr. LeBlanc clarified that it would be a reduction of approximately 60 sq. ft. in the seating area.

Ms. Tukey asked what was the total square footage reduction for the restaurant use (the kitchen and the outdoor seating area only), which was determined to be 132 sq. ft. when the handicap ramp was included as part of the restaurant.

Ms. Floccher asked for clarification regarding Exhibit 4, the Summary prepared by the Holbrook Community Foundation, page 2, second paragraph under "Proposed Work".

Craig Barmore (Harpswell), a member of the Holbrook Community Foundation, addressed the Board. He made the point that, by moving the restaurant out of the commercial building, there would be a larger space created for the fishing related businesses.

Bill Mangum, President of the Holbrook Community Foundation, addressed the questions posed by the Town Planner and Ms. Floccher. He explained that the net change difference with all the additions and less all of the reductions, would be a 132 sq. ft. overall reduction in restaurant space, including deck space and space for the picnic tables and kitchen area, with the handicap ramp counting against the restaurant space.

Mr. LeBlanc distributed a drawing to the Board which addressed the establishment of a barrier between the truck ramp and the ramp. He explained that they were proposing to put a guardrail (fence) along the side to separate it from the truck ramp. He asked for more questions from the Board; there were none.

Mr. Mangum addressed the Board, stating that the project was a culmination of about three years of work. He explained that there were some pilings that were rotted through, with some not providing support at all. He said that the building would be reconfigured, providing a much more efficient use. There would be space for two or three more fishermen, and the truck ramp would be widened and have more safety features included in the design. He said that they were cognizant of having to keep the commercial side of the property separate from the public side (for safety reasons), but still have the public able to observe the commercial boats at the wharf. He asked for further questions from the Board; there were none.

The Chair asked for public comment; there was none.

The Chair addressed the "Findings of Fact" from the Town Planner's memorandum and, with the Board's approval, addressed only those sections of the Site Plan Review Ordinance that applied.

§15.4 Access into the Site. Mr. LeBlanc provided the Board with copies of a drawing of the general layout of the approach from Cundy's Harbor Road, and explained how the standards had been met.

The Chair asked if the Board was satisfied; Ms. Levensailor asked for clarification regarding parking as it related to the property line as shown on the tax map. Mr. LeBlanc said that parking was shared with the neighboring wharf (Hawke's).

Mr. Mangum showed the Board a sample of the piling material, and explained to the Board how the pilings were made, and that the material came from recycled truck booms.

Mr. LeBlanc showed Ms. Levensailor a copy of a survey, and she referred to Exhibit 1B of the packet materials (the tax map).

Ms. Tukey suggested that the tax map might not be correct, and that the accuracy of a survey done fairly recently would override the accuracy of a tax map. Mr. LeBlanc stated that the copy of the survey he presented had been prepared by Brian Smith and was dated September 29, 2005.

Joanna Damon, a board member of the Holbrook Community Foundation and a title abstracter who had worked for many years for the Department of Transportation's legal division, reiterated that a survey would always "control" over a tax map because their methods are not as accurate as a survey.

§15.5 Access/Egress Way Location and Spacing. Mr. LeBlanc explained that there were two entrances to the Holbrook property that were 200 ft. apart and were greater than 25 ft. wide, not including parking areas.

§15.7 Parking. Mr. LeBlanc explained that there was occasionally shared parking with the neighboring commercial property of Hawke's, and it had proven to be an equitable arrangement for both parties.

Mr. Papacosma observed that there was no delineation of the parking spaces on the proposed plans. Mr. LeBlanc stated that all the parking spaces were provided for in the proposal, and Mr. Mangum guessed that approximately 30% of the customers came by boat, which would not require any vehicular parking, and the arrangement for boat docking had worked out well. He made the Board aware of the only exception to the parking arrangements, and that was the annual Cundy's Harbor Day celebration, a popular event.

§15.9 Stormwater Management. Mr. Mangum explained that Webber's had recently graded due to a wash out problem on the steep hill, and that it would be re-paved when construction of the project was complete.

Ms. Tukey explained that stormwater management and erosion control are different from each other, and that Mr. Mangum had discussed erosion control. She asked if there would be storm drains and gutters for rainwater runoff, and where that water would flow to so it did not go into the ocean.

Mr. Mangum stated that the house itself would have an intricate system of rain barrels that would take the water back to Cundy's Harbor Road.

Ms. Tukey explained that the idea was to direct the rain that flowed off the commercial fishing building somewhere else, so that it did not flow into the harbor. She said that was the standard – to have some kind of stormwater management system. She asked how the runoff would be diverted so that it would not leech, leak, spill or drain into the harbor? She suggested the Applicant would need engineering help to design a system that would pipe the runoff somewhere other than into the harbor.

Mr. LeBlanc explained that they never had to do controls of runoff on the wharves before. The parking lot runoff would contain sediment, but it would be filtered out naturally.

Ms. Tukey said that the tops of buildings are "phosphate loaders", and the idea behind piping the runoff from the buildings was to filter out the phosphates. Mr. LeBlanc said that it would be a metal roof, and Ms. Tukey said it would be up to the Board whether they wanted to waive a portion of the standard, or ask for something in addition.

Mr. Papacosma stated his concern about parking lot runoff which could contain toxic materials, and asked about filtration of that sort of contamination.

Mr. Mangum stated that there would be a vegetative buffer, and that there had never been a washout in that area. He showed the Board where the buffer was on the site plan, and explained that it was mowed grass. He estimated that the area was about 25 ft. wide and 50 or 60 ft. long. There was discussion with the Board regarding paving the hill after construction, and the possibility of natural filtration and stormwater management. Mr. Mangum said that they could re-grade the parking lot when construction was completed, as well as use more vegetation, to make sure that there would be no direct flowage into the ocean. The Board decided to have them submit the idea as a stormwater management program, and have it be a condition of approval.

§15.11 Water Supply and Groundwater Protection. The water supply was deemed adequate. Mr. Mangum stated that there had been a water supply issue when the property was first purchased, and that a desalination plant had been put in place which produced about one gallon/minute.

The Chair asked the Board if there were any more questions; there were none. She then asked for public comment; there was none.

The Chair moved to approve the proposed site plan and wharf reconstruction for Holbrook Community Foundation with the conditions of approval as listed, and also the condition as stated under §15.9 that the Planning Board receive a stormwater management program for the parking area. The motion was seconded. There were no further comments from the Board. The project was unanimously approved.

## **OTHER BUSINESS**

### **Consideration of Planning Board exercise of jurisdiction over applications(s) pursuant to Site Plan Review Ordinance §16.4 and/or Shoreland Zoning Ordinance §10.3.2.3.**

There were no jurisdictional items to discuss.

## **WORKSHOP ITEM 1**

### **Shoreland Zoning-Restaurant Use**

Ms. Tukey referred the Board members to their copy of a letter from Richard Moseley of the Harpswell Business Association dated September 12, 2008. The letter expressed support to allow restaurant use in the Shoreland Zone and commercial fishing areas in Harpswell.

The Chair then referred the Board to the Town Planner's memorandum dated August 11, 2008. Ms. Tukey stated that, of the three options listed, the third one was probably "the more legal and legitimate". She explained option no. 3 by giving the example of someone having a wholesale fish business on their wharf and then accessory uses could be allowed, and a size limit could be added in, if the Board deemed it necessary, for restaurant use. There was discussion among the Board members regarding how such an option could be generally implemented in the Town.

Ms. Tukey asked the larger question of whether the Town needed/wanted commercial wholesaling operations on a wharf. She did not want to spend time writing an ordinance if the Board did not think it feasible or sensible for Harpswell. There was discussion regarding several local businesses, and that their "accessory use" had been grandfathered.

The Board then discussed whether or not to have the Town Planner create an ordinance that would allow uses that are not presently allowed in the commercial fishing zone.

Ms. Carrier asked if the ordinance would have to be created by the Town Planner, or could it come from "other entities". Ms. Tukey stated that she would have to create an ordinance specifically for Harpswell, with direction from either the Planning Board or the Board of Selectmen. If a private entity came from inside the Town and wanted to create one on their own, it would not be appropriate for the Planner to spend time for an individual's goal.

The Chair asked for a show of hands from the Board from those who would like to continue looking at the creation of an ordinance regarding restaurant uses within the Shoreland Zoning District. There were none.

After further brief discussion, the consensus of the Board was not to pursue the creation of an ordinance regarding restaurant use in the Shoreland Zone at the present time.

## **WORKSHOP ITEM 2**

### **Affordable Housing**

The Chair asked the Town Planner if the Affordable Housing issue was to be discussed, and Ms. Tukey stated that the subject could wait until the next meeting, since the proposed ordinance had not yet been completed by the Affordable Housing Committee.

**Note:** At this time, the Planning Board took up a different ordinance amendment, which dealt with Shoreland Zoning and the 30% expansion rule and its relation to basements.

## **PLANNER'S UPDATES**

There were no Planner's Updates to discuss.

Mr. Papacosma shared information he had received regarding a series of regional workshops entitled "Accessing the Maine Coast".

## **WORKSHOP ITEM 3**

### **Mountain Road Right of Way**

Ms. Tukey referred the Board to her memorandum in their packet materials. She stated that the Board of Selectmen had received a request from a resident along Mountain Road to purchase the Town's portion of the right of way. The Planning Board was requested by the Selectmen to comment on the issue. Ms. Tukey said she also requested comment from other Town committees: the Conservation Commission, the Town Lands Committee, the Recreation Committee and the Comprehensive Plan Implementation Committee. The Board of Selectmen requested comment, in writing, from the Planning Board. The Board agreed unanimously that the Town should retain their portion of the right of way on Mountain Road. Ms. Tukey asked the Board secretary, Mr. Brooks, to do a memo within the next two weeks reiterating the Board's comments and distribute it among the members for approval. The memo would then be passed on to the Board of Selectmen.

The Chair asked if there were any other subjects to be discussed, and the date of the Ransom Environmental Consultants water and septic presentation was confirmed to be Monday, September 29<sup>th</sup> at 4:30 PM.

There being no further business before the Board, the Chair made a motion to adjourn, which was seconded.

Meeting adjourned at 8:25 PM.

Respectfully Submitted,

Melissa Swanson  
Recording Secretary